

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.864 of 2015

In

Matrimonial Reference No. 75 of 2013

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Pushpi Devi @ Pushpi Jaiswal, wife of Mani Bhushan Kr. @ Mani Bhushan Jaiswal, D/o Arbind Choudhary, at present resident of Village- Gaigari Jamalpur, P.S.- Jamalpur, District-Khagaria. At present Mohalla-Chakesap in front of Maweshi Hospital, P.S. - Gogari, District- Khagaria.

.... Defendant/ Petitioner

Versus

1. Mani Bhushan Kumar @ Mani Bhushan Jaiswal, son of Late Jagdish Choudhary, resident of Mohalla-Mahanar, P.S.- Mahanar, District-Vaishali.

....Plaintiff/ Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Pandey, Adv
Miss Ajita, Adv.

For the Respondent/s : Mr. Prahalad Kumar Bhagat, Adv

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 15-01-2018 Heard learned counsel for the petitioner and
learned counsel for the opposite parties.

The present application has been filed for transfer of Divorce Case No. 75 of 2013 from Principal Judge, Family Court, Vaishali at Hajipur to the Principal Judge, Family Court, Khagaria.

Learned counsel for the petitioner submits that present transfer petition has been filed on account of the fact that the petitioner is experiencing serious difficulties in contesting the matter in Vaishali at Hajipur as her husband had deserted her in the year, 2012 itself and she is somehow surviving with the help and assistance from her father where she is presently residing at



Khagaria. It is further submitted that while the matter was being contested in Vaishali at Hajipur, the petitioner had also received threat and she is apprehensive of being killed by the associates of her husband if she goes to contest the matter at Hajipur. It is further submitted that she has got two minor children and is somehow surviving in acute penury and is unable to contest the matter at Hajipur.

Learned counsel appearing on behalf of the opposite party, however, seriously opposes the application of transfer and submits that the entire exercise of getting the case transferred is to delay the disposal of the Divorce Case No. 75 of 2013 as the evidence of the plaintiff has been closed after cross examination. Therefore, it would occasion miscarriage of justice and result in causing delay of the proceedings if the case is transferred from Vaishali at Hajipur to Khagaira.

Having heard learned counsel for the petitioner, opposite parties and considering the entire facts and circumstances of the case and also the serious apprehension being nourished by the petitioner at the hands of the opposite party and his associates this court is of the opinion that it would be appropriate and in the interest of justice to transfer the Divorce Case No. 75 of 2013 from the Court of Principal Judge, Family Court, Vaishali at



Hajipur to the Court of Principal judge, Family Court Khagaria. It is ordered accordingly.

In view of the fact that the evidences of the plaintiff has already been closed, it would be advisable and appropriate that the opposite party appears in the court below along with the copy of the order and contest the matter without seeking unnecessary adjournments so that the matter reaches to its finality at the earliest preferably within a period of six months.

The M.J.C. application stands allowed.

(Anjana Mishra, J)

Jagdish/-

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